

VZCZCXRO5326
PP RUEHBI
DE RUEHLM #1054/01 3270240
ZNR UUUUU ZZH
P 230240Z NOV 09
FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC PRIORITY 0805
INFO RUEHKA/AMEMBASSY DHAKA 2075
RUEHIL/AMEMBASSY ISLAMABAD 9103
RUEHKT/AMEMBASSY KATHMANDU 7345
RUEHLO/AMEMBASSY LONDON 5246
RUEHNE/AMEMBASSY NEW DELHI 3500
RUEHNY/AMEMBASSY OSLO 5184
RUEHSM/AMEMBASSY STOCKHOLM 0719
RUEHKO/AMEMBASSY TOKYO 4299
RUEHCG/AMCONSUL CHENNAI 9666
RUEHBI/AMCONSUL MUMBAI 6960
RUEHON/AMCONSUL TORONTO 0040
RHHMUNA/HQ USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 3842
RHEFDIA/DIA WASHINGTON DC
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RUEHBS/USEU BRUSSELS

UNCLAS SECTION 01 OF 06 COLOMBO 001054

SENSITIVE

SIPDIS

DEPARTMENT FOR SCA/INSB

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [CE](#)

SUBJECT: SENATE FOREIGN RELATIONS COMMITTEE (SFRC) FACT FINDING
MISSION TO SRI LANKA

11. (SBU) SUMMARY: On November 2-8, Senate Foreign Relations staff members Nilmini Rubin and Fatema Sumar visited Sri Lanka and held meetings with senior government officials, international organizations, political leaders, civil-society activists, and journalists to discuss post war reconciliation, resettlement of internally displaced persons (IDPs), the humanitarian situation, and media freedom. They also visited the South, East and IDP camp at Manik Farm. The StaffDel observed that the post-war situation in Sri Lanka was complex, particularly in light of possible elections; Sri Lankans no longer sensed a strong partnership with the U.S.; the U.S. "tool box" in dealing with the government of Sri Lanka (GSL) was self-limited; a sense of palpable fear still hung over the media and civil society; and while the GSL was making progress and doing some good things, SL had a long way to go on reconciliation and resettlement. Recognizing SL's geo-strategic importance to the U.S. and the current and long-term bilateral relationship, many SL interlocutors gave their recommendations on strengthening the relationship and noted a need for more U.S. assistance for resettlement and demining. END SUMMARY.

PRESIDENTIAL ADVISOR:
CRITICISMS NOT WARRANTED

12. (SBU) The president's brother, MP, and de-facto czar of the IDP and demining issues Basil Rajapaksa hoped to improve the bilateral relationship and build trust with the U.S. He was critical of recent U.S. remarks and recommended that the U.S. should choose its words carefully. For example, he noted that "the U.S. monitoring the progress" was perceived as "U.S. encroachment on SL's sovereignty." While Sri Lanka was a small but proud country, SL did not warrant a "minority mindset". He suggested that the U.S. should approach SL as "friends" and "give suggestions rather than make critical remarks," and such criticisms were a recent phenomenon. In response to the "incident's report," Rajapaksa candidly remarked, "I'm not saying we're clean; we could not abide by international law - this would have gone on for centuries, an additional 60 years." He highlighted the GSL's excellent relationship with India, and argued that even India did not request monitoring of SL's progress. Basil spoke at length on the resettlement progress and noted that January 31 ends the 180-day plan, and that the GSL had promised to

have 80% of the IDPs released in 180 days, but that "Blake had said our plan was too ambitious." He asserted that 80% of the IDPs would be released by the end of January. He did not want to release details of the government's plan because any delays or changes would leave the GSL open to international criticism. Basil believed SL was well on its way "to win the hearts and minds of the people" and to resettle the IDPs. On freedom of movement, the GSL was still concerned about LTTE sympathizers in the camps and took a paternal view of the safety of IDPs returning to cleared lands. On media freedom, Basil argued that the media had not been singled out, and that high ranking police and army officials and members of the business community had also been imprisoned on the terrorism charges. On media access to the camps, Rajapaksa emphasized that media restrictions in the camps were for the benefit of the IDPs and commented that "IDPs don't like media, cameras, because they don't want to be portrayed in those conditions." He pointed out that free access would be only granted to those "genuinely interested" and only those "that could be truly trusted."

DEFENSE SECRETARY: NO
RECOGNITION OF GSL'S PROGRESS

13. (SBU) Defense Secretary Gotabhaya Rajapaksa expressed frustration that the U.S. and international community had not recognized the government's progressive transition to democracy, ethnic reconciliation, disarmament and demobilization of paramilitary groups, rehabilitation of child soldiers, and economic development. He repeatedly used the Eastern Province as an example of the government's demonstrated performance record and as a model for

COLOMBO 00001054 002 OF 006

plans in the North. He regretted that SL was "poor at propaganda" and had done a poor job communicating its actions and intent to the international community, especially the U.S. and the West. While quick to criticize, the U.S. had been slow to acknowledge SL's achievements. Rajapaksa believed strongly in the value of repairing SL's relations with the U.S. and recommended that the U.S. should focus its attention on the future and not the past, judging the GSL on its record of performance in the Eastern Province, and not on the agendas of its critics. Rajapaksa reiterated SL's real victory over the LTTE and contended that lasting peace would only be achieved by development in the North. Rajapaksa noted that in defeating the LTTE terrorists the war had "not been clean," but was still a success. The Defense Secretary ruled out expansion of the military - dismissing it as "only the army talking" - and said he hoped to increase SL military's involvement in future UN peacekeeping operations. According to Rajapaksa, the increases in the defense budget were meant to meet payment schedules for acquisitions during the war from China, Pakistan and Israel. The Defense Secretary took the opportunity to apologize to the staffers for involving them in a security incident at their hotel room the night before. The incident occurred when they received a surprise visit to one of their rooms by Sri Lankan plain clothes police. The police, acting on orders to investigate an anonymous tip that room 1603 (staffer's room) was harboring a terrorist, reacted by going directly to the room (not alerting the hotel) to investigate. The Defense Secretary explained that he had personally received this tip; had he known that the staffers were the occupants of the room 1603, he would have prevented the incident. While the Defense Secretary apologized for the incident, it demonstrated heightened security concerns and lack of an adequate information-screening process by the police and the Defense Secretary.

JUSTICE MINISTER: "GOLDEN MOMENT"
BUT "COMPLEX"

14. (SBU) Minister of Justice Malinda Moragoda told StaffDel the GSL was very interested in greater engagement with the U.S. but said the political situation was "complex." According to Moragoda, there was much resentment towards the old families and elites in Sri Lanka amongst the Sinhalese middle and lower classes for past economic focus on Colombo and appeasement of the LTTE, and some of this resentment spilled over into GSL relations with the U.S. and other western countries. Nevertheless, with the end of the war, Sri Lanka

was at a "golden moment" for building national reconciliation. StaffDel suggested that an independent investigation of war crimes allegations was a necessary step in national healing and reconciliation. Moragoda said Sri Lanka "must find its own way" on dealing with the war crimes issue and noted "frankly" that while the panel of eminent persons recently appointed by the president was a reaction to the publication of the Congressional report on incidents during the war, Sri Lanka had a regrettably long history of periodic violence and so the publication of the State Department's report to Congress on incidents during the war had little relevance to most Sri Lankans.

APRC CHAIRMAN: EMPOWER THE PEOPLE

15. (SBU) The StaffDel met Minister of Science and Technology and All-Party Representative Committee (APRC) Chairman Tissa Vitarana, who emphasized the need for sustaining peace, working towards a political solution and empowering the people. The key goal of APRC was permit the devolution of powers to the provinces under the 13th Amendment. He informed the StaffDel that the APRC had submitted its assessment report to President Rajapaksa and was awaiting the President's response and comments. Vitarana criticized the 13th Amendment as an Indian creation, but found some useful elements in the 17th Amendment. His goal was to simplify and streamline the government, giving more power to traditional village councils. This would give proper representation to small ethnic enclaves scattered

COLOMBO 00001054 003 OF 006

throughout the country. He commented on his recent meeting with diaspora representatives in Europe as part of his work with ethnic community. On human rights and media freedom problems, Vitarana instantly became defensive, and regretted that the international community did not understand the situation on the ground. He praised the President as being "admirable" on improved relations with countries such as Iran, Libya and China when the West wouldn't help them finish the war against the LTTE, since the West was so weak now economically speaking. He thanked the U.S. for pushing Sri Lanka closer to China which represented the economic future.

MANIK FARM, NORTHERN PROVINCE &
THE EAST: SL'S CHALLENGING TASK

16. (SBU) Major General Kamal Gunaratne, Commander of Security Forces North and the Competent Authority (CA) for IDPs, briefed the StaffDel on IDP centers in Vavuniya, Mannar, and Weli Oya in the Northern Province and on the progress of resettlement and returns. When asked about U.S. assistance to IDPs and resettlement, Gunaratne was unaware of any U.S. assistance. He remarked on his excellent relationship with the UN and other international organizations working under the UN umbrella. Gunaratne reported as of 04 November 154,483 individuals remained in 21 relief villages and IDP centers in Wanni, mostly in Vavuniya. He hoped to resettle an average of 4,000 per day. During their visit to Zone 2 and 3 at Manik Farm, the StaffDel interacted with the IDPs, visited their living spaces, saw hygiene facilities and food distribution by the World Food Program (WFP) funded by USAID. The military demonstrated their difficult and challenging demining efforts in Mannar territory in previously held by the LTTE. To demonstrate their efforts on post war reconstruction and resettlement of the East, the GSL took StaffDel to visit two schools in Vakaraai, a 99% Tamil community, one built by the GSL and one by the EU. A SL civil affairs officer briefed on dozens of civil-military projects completed during the last two years and the projects such as schools, clean water, and fisheries.

MEDIA: FREE PRESS IN SRI LANKA?

17. (SBU) Media discussion centered on the question: "Is there a free press in Sri Lanka?" Although most of the journalists were able to function as independent media, the consensus was that the press was not truly free. Media reps noted that the GSL government did not exercise its control of the press through direct censorship or a dominant state-run propaganda machine; instead, it intimidated

journalists by threatening, beating, and sometimes killing them. Since these actions depended on the topic and the whim of powerful figures, reporters and editors could not predict future actions against them. To avoid violence, many journalists censored themselves and were unwilling to be quoted. As an example, the group pointed to a recent Ministry of Defense press release that discouraged reporting of the political ambitions of active duty military, forcing nearly all media outlets to drop coverage of military members, including CHOD General Fonseka, who is a likely presidential candidate. Some of the media representatives insisted the situation was "not that bad" and most accepted that certain restrictions on the press were necessary for the government to win the war against the LTTE. In addition, nearly all of them criticized some aspect of U.S. policy. It would be incorrect to assume that a free local press would spontaneously agree with Western criticism of GSL actions.

UNP LEADER: "KEEP THE PRESSURE ON"

18. (SBU) United National Party (UNP) and opposition leader Ranil Wikremesinghe believed that the U.S. was on the right track in publishing the "Incidents Report" and should "keep the pressure on the GSL." Wikremesinghe felt the Sri Lankans didn't want to lose

COLOMBO 00001054 004 OF 006

their relationship with the U.S. and the government's criticism of U.S. recent remarks were "complete nonsense." He was not particularly concerned with China's developing relationship with Sri Lanka. He countered that if China continued to expand its position in Sri Lanka, India would intervene and keep a balance on that front. On the issue of media freedom, Wikremesinghe was very critical of the government's suppression of the free press. He was optimistic about defeating President Rajapaksa in the upcoming elections, and was confident about becoming the next Prime Minister and doing the "needed surgery" to improve the conditions in SL.

SRI LANKA MUSLIM CONGRESS (SLMC):
POWER SHARING AND DEMOCRATIZATION

19. (SBU) Minister of Parliament M.T. Hasen Ali and A. M. Faaiz, Director of International Affairs from the SLMC, told the StaffDel that the GSL needed to move forward in power sharing and democratization. Faaiz noted that the power needed to be shared amongst the Tamils, Sinhalese and the Muslims since they shared similar minority concerns. While Faaiz commented that the Muslims needed to be included in the peace process, he offered no recommendations on avenues that the GSL should undertake to achieve political reconciliation goals. On the IDP issue, SLMC discussed the lack of access by minority leaders to the IDP camps. Echoing the sentiment of no independent verification of information coming out of the IDP camps, Faaiz wanted the GSL to allow the free flow of information from the camps.

CPA and NPC: Constitutional Reform

110. (SBU) At a roundtable discussion, Center for Policy Alternatives (CPA) Director P. Saravanamuttu, National Peace Council (NPC) Chairman Jehan Perera, University of Colombo Professor Dr. Keethaponcalan, and former SL Ambassador to Saudi Arabia Javed Yusuf discussed Tamil community concerns, freedom of movement of IDPs, and constitutional reform with the StaffDel. Saravanamuttu stressed that the detention of the IDPs was "illegal under Sri Lankan law." The group emphasized the need for electoral reform and international election observers and mentioned a possible role for the Carter Center. They explained the powers of devolution and decentralization, the weakness of the 13th Amendment and the GSL's ability to undermine the authority of the provincial council system. Perera and Saravanamuttu believed that raising the issue of full implementation of the 13th Amendment was something of a "red herring" used by the GSL to avoid discussing reconciliation and a long-term equitable political solution. National issues such as allocation of land, rule of law, and the non-implementation of the official languages policy continued to drive the conflict. The

discussion underscored the president's failure to implement the 17th Amendment and the politicization of the commissions and therefore the politicization of promotions and transfers within the police and the judiciary.

NGOS: TENSE RELATIONSHIP WITH GSL

¶11. (SBU) CARE, Save the Children, and Asia Foundation noted their tense relationships with GSL. The NGOs remarked on the GSL suspicions and accusations of NGOs being corrupt. On the IDP situation, the NGOs believed the GSL's lack of transparency and coordination in handling every aspect of the inhabitants' treatment, release, and resettlement were serious concerns. The NGOs described the camps' living conditions as poor to deplorable and noted the GSL's lack of a coherent plan for transporting and resettling the IDPs. The NGOs believed international pressure was warranted and should continue. They remarked that while SL's complicated situation was not as "black and white" as portrayed overseas, the GSL needed to work on political reconciliation and address minority issues.

COLOMBO 00001054 005 OF 006

ICRC: DELICATE SITUATION

¶12. (SBU) In a separate meeting with International Committee of Red Cross (ICRC), representative Anthony Dalziel described ICRC's relationship with GSL as delicate and tense. While the ICRC continued to have access to detention centers, their current mandate was under review, which prevented them from visiting the IDP camps. ICRC continued its work in helping the country to return to normalcy. Dalziel noted that the GSL had made some progress with resettlement, but people were still unable to locate relatives and the screening of host families made people reluctant to help. Dalziel believed that people were glad that the war was over, but there was still a general sense of disappointment with the continued security checks. He also lamented that the voice of Tamils was fading away. In his opinion, the media continued to be suppressed and threatened.

WOMEN'S GROUP: SILENT MAJORITY

¶13. (SBU) Tamil, Muslim, and Sinhalese representatives of women's activist groups briefed the StaffDel on women's issues. Most of the discussion centered on lack of opportunities for women in politics, lack of female participation in policy-making, lack of compensation to women affected by the conflict, and grievances and hardships endured by women during the conflict. In their criticisms of GSL handling of the post-war situation, the group believed that U.S. and international pressure and criticisms were on point and welcomed. They recommended that any donor funding of key development projects should consult with local women's organizations as prerequisite to future aid to SL.

BILATERAL DONORS: RETURN OF IDPS AND FREEDOM OF MOVEMENT

¶14. (SBU) At a USAID-Mission-Director-hosted event, representatives from British, Canadian and Australian High Commissions; Norwegian, Swiss and Dutch Embassies; and European Commission on Humanitarian Aid (ECHO) briefed the StaffDel on humanitarian assistance provided through the UN and NGOs to the displaced populations. Donor country representatives expressed their concerns on lack of freedom of movement granted to the IDPs, that safe and voluntary return of IDPs to places of origin be facilitated and that the future donors constructively engage with GSL to achieve these goals.

¶15. (SBU) Indian Political Chief B. Shyam focused his discussion with the StaffDel on IDPs. Shyam highlighted India's continued strategic interest in Sri Lanka and India's concerns on resettlement of IDPs and reconstruction. Political chief noted India and SL had a strong bilateral relationship, and India's aid was primarily

through ICRC and the UN and funding in the form of loans. Shyam was dismissive of India's concerns of China's footprint on SL and felt that the "string of pearls" analogy was a far reach by many analysts.

IMF: SL PERFORMING FISCALLY WELL

¶16. (SBU) In the StaffDel meeting with IMF Resident Representative Koshy Mathai, he noted that SL was performing fiscally well, but should loosen its monetary policy. In Mathai's opinion, there were no "conflict filters" built in the IMF, but argued that the IMF strictly focused on macroeconomic conditions. While Mathai sympathized with the international community on the need to leverage the loan, he argued the Fund was not the correct international forum to address humanitarian conditions and political goals. The first tranche (roughly USD 320 million) of the loan was in the reserves at Central Bank as prescribed and the second tranche was also approved.

COLOMBO 00001054 006 OF 006

ASIAN DEVELOPMENT BANK (ADB):
SHIFTS FOCUS TO NORTH AND EAST

¶17. (SBU) ADB Country Director Richard Vokes told the StaffDel that while they continued their work throughout the country, their focus had shifted to the North and East. Vokes explained the lack of formal "conflict filter" test, but that ADB still examined their proposed projects that impacted different communities and conflict issues. On corruption issues, Vokes explained that there were tools built in to address fraud and corruption and that ADB worked with tools that addressed "strengthening the anti-corruption mechanisms within the country."

WORLD BANK (WB): "CONFLICT FILTER"

¶18. (SBU) The WB Country Director Naoka Ishii and Senior Economist Claus Astrup briefed the StaffDel on WB's "conflict filters" laid out in the 2009-2012 Country Assistance Strategy to ensure against WB activities inflaming the conflict. Ishii noted that it had been a useful engagement tool and two of their projects had slowed as a result of the filter. Ishii and Astrup recommended that the West and the International community try to bring SL back to normalcy and build the level of trust between SL and the West. While the private sector was tilted to the West, WB's officials noted that SL's political orientation was moving away from the West.

COMMENT

¶19. (SBU) The StaffDel noted in their out brief with the Ambassador that the current SL environment was post-war and not post-conflict, with reconciliation still a challenging issue. They found ground reality in Sri Lanka "more nuanced" and "more complicated" than expected. They recommended that the U.S. think strategically and long-term and take a holistic approach in determining U.S. specific levers on key issues, and commented that by focusing only on human rights, "we shoot ourselves in the foot." They were notably surprised that in comparison to India, China played a significant role in SL. During their discussions, several Sri Lankan interlocutors commented on U.S. "under appreciation" of Sri Lankan success in defeating the LTTE and SL's progress that pushed SL towards the Chinese. SFRC staffers remarked that the SL story being sold in Washington was one-dimensional that focused too much on the humanitarian situation. IDP camps were "being sold as concentration camps," however, the realities in the camps were much more complicated. The StaffDel departed SL with a better understanding of SL's challenging post-war environment, and an appreciation of U.S., International community and NGOs efforts in post-war Sri Lanka. End Comment.

¶20. (U) Senate Foreign Relations Committee (SFRC) staffers have cleared this cable.

